

Michigan Supreme Court
State Court Administrative Office
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Lansing, Michigan 48909
(517) 373-4835
John D. Ferry, Jr., State Court Administrator

April 6, 2000

TO: Chief Probate Judges
cc: Probate Court Administrators and Probate Registers

FROM: John D. Ferry, Jr.

RE: SCAO Administrative Memorandum 2000-04
Revised Probate Fee and Distribution Schedule

The Estates and Protected Individuals Code (EPIC), which went into effect on Saturday, April 1, creates several new types of filings in the probate court. **A revised fee schedule for probate matters is attached. For matters arising in the probate court, the revised schedule should be followed.**

The revised schedule outlining probate court fees also provides information for the distribution of fees collected. The document should be placed in the Appendix to Section 6 (Fiscal Management) of the *Michigan Court Administration Reference Guide*, along with the fee and distribution schedules of other trial courts.

The attached fee and distribution schedule was drafted with input from probate judges and probate registers.

Any comments on the attached revised schedule may be sent to George Strander (phone: 517-373-7496; email: stranderg@jud.state.mi.us).

attachments

PROBATE COURT FEE AND DISTRIBUTION SCHEDULE

April, 2000

This schedule outlines the fees to be charged, and the distribution of fees collected, in Michigan probate courts. The schedule has the following organization:

- (1) General Conditions Where No Fee is to be Charged;
- (2) Case Processing Fees;
- (3) Copy & Service Fees.

In determining the appropriate fee and distribution in a particular instance one should consult the section on *General Conditions Where No Fee is to be Charged* before looking for the description of the particular instance in either the *Case Processing Fees* section or the *Copy & Service Fees* section.

GENERAL CONDITIONS WHERE NO FEE IS TO BE CHARGED

- ! There are no fees where the petitioner or moving party is **indigent** or has an inability to pay and the court has waived fees based on the petitioner's affidavit. [MCL 600.880d; MCR 2.002]
- ! The Attorney General, Department of Treasury, Family Independence Agency, State Public Administrator, Administrator of Veterans Affairs, and county government agencies pay no filing fees. [MCL 600.880(5);880a(2);880b(4)]
- ! There may be other instances where the court might exercise discretion to waive fees.

CASE PROCESSING FEES

| FEES APPLICABLE TO MULTIPLE TYPES OF CASES | | | | | |
|---|-------------------|---------------------------------|------------------|---------------------|--------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Demand for Jury Trial [MCL 600.857(3)] | \$30.00 | \$0 | \$0 | \$30.00 | \$0 |
| Motion ¹ [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Objection ² [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Amended Petition [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Instruction [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition to Withdraw a Petition – Hearing Required [MCL 600.880b(1)] – No Hearing Required | \$15.00 No Fee | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO MULTIPLE TYPES OF CASES | | | | | |
|--|-------------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Petition to Withdraw as Attorney – Hearing Required [MCL 600.880b(1)] – No Hearing Required | \$15.00 No Fee | \$0 | \$7.50 | \$7.50 | \$0 |
| Appeal from Probate Court to Circuit Court or to Court of Appeals [MCL 600.880c(1)] | \$25.00 | \$0 | \$0 | \$25.00 | \$0 |
| Petition and Order [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Issuance of a Commission to Take Testimony [MCL 600.874(b); 600.877] | \$7.00 | \$0 | \$0 | \$2.80 | \$4.20 |
| Petition for Appointment of Guardian ad Litem [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition to Allow Fees of Guardian ad Litem [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Settlement of Personal Injury Claim [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Writ of Garnishment, Attachment, or Execution [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Temporary Restraining Order [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO DECEDENTS' ESTATES CASES | | | | | |
|---|---------------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Demand for Notice – No Estate Pending [MCL 700.3205] – Estate Pending [MCL 600.880b(1)] | \$100.00 \$15.00 | \$21.00 \$0 | \$79.00 \$7.50 | \$0 \$7.50 | \$0 \$0 |
| Petition for Assignment of Estate under \$15,000 ³ [MCL 600.880(2)] | \$25.00 | \$0 | \$25.00 | \$0 | \$0 |

| FEES APPLICABLE TO DECEDENTS' ESTATES CASES | | | | | |
|--|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Petition to Determine Heirs ⁴ | | | | | |
| – No Estate Pending [MCL 600.880(1)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| – Estate Pending [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition/Application for Probate and/or Appointment of Personal Representative | | | | | |
| – Which Commences an Estate | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| – Filed After an Estate is Open | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| (Note: If the petition/application requests appointment of a special personal representative in addition to a full personal representative, an additional \$15.00 fee is charged [MCL 600.880b(1)].) | | | | | |
| Petition to Reopen a Closed File [MCL 600.880(1)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| Account ⁵ | | | | | |
| – Assets of \$15.00 or more [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| – Assets of less than \$15.00 | No Fee | | | | |
| Petition for Allowance of Account | | | | | |
| – Filed Separately from Account [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| – Filed with Account | No Fee | | | | |
| Petition for Attorney Fees | | | | | |
| – Filed Separately from Account [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| – Filed with Account | No Fee | | | | |
| Statement and Proof of Claim [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Disallowance of Claim | No Fee | | | | |
| Filing of Inventory | No Fee | | | | |

| FEES APPLICABLE TO DECEDENTS' ESTATES CASES | | | | | |
|--|---------------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Value of Estate as Reflected in Inventory [MCL 600.871(1); 600.877] ⁶ | | | | | |
| – Estate Valued less than \$1000 | \$5.00-\$10.00 | | | | |
| – Estate Valued from \$1000 to \$2999.99 | \$25.00 | | | | |
| – Estate Valued from \$3000 to \$9999.99 | \$25.00-\$68.75 | | | | |
| – Estate Valued from \$10,000 to \$24,999.99 | \$68.75-\$143.75 | | | | |
| – Estate Valued from \$25,000 to \$49,999.99 | \$143.75-\$237.50 | | | | |
| – Estate Valued from \$50,000 to \$99,999.99 | \$237.50-\$362.50 | | | | |
| – Estate Valued from \$100,000 to \$500,000 | \$362.50-\$862.50 | | | | |
| – Estate Valued from \$500,000.01 to \$1,000,000 | \$862.50-\$1175.00 | | | | |
| – Estate Valued above \$1,000,000 | \$1175.00 and above | 0% | 0% | 40% | 60% |
| Notice of Continued Administration [MCL 700.3951] | No Fee | | | | |
| Filing of Letters by Foreign Personal Representative [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court ⁷ [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO TRUSTS | | | | | |
|--|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Initiating a Proceeding Involving a Testamentary Trust | | | | | |
| – Processed Separately from a Decedent's Estate [MCL 600.880(1)(e)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| – Processed as Part of a Decedent's Estate [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition to Commence a Proceeding Relating to an Inter Vivos Trust [MCL 600.880(1)(e)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| Registration of Trust [MCL 600.880c(2)] | \$25.00 | \$0 | \$0 | \$25.00 | \$0 |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court ⁸ [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO GUARDIANSHIP CASES UNDER EPIC | | | | | |
|--|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Request for Notice of Guardianship Orders | | | | | |
| – No Proceeding Pending [MCL 700.5104] | \$50.00 | \$0 | \$50.00 | \$0 | \$0 |
| – Proceeding Pending [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Full or Limited Guardianship | | | | | |
| – No Temporary Guardianship Requested [MCL 600.880a(1)] | \$50.00 | \$0 | \$50.00 | \$0 | \$0 |
| – Temporary Guardianship Requested [MCL 600.880b(1)] | \$65.00 | \$0 | \$57.50 | \$7.50 | \$0 |
| Annual Report on Condition of Ward | No Fee | | | | |
| Petition by Court-Appointed Attorney in Response to Guardianship Review | No Fee | | | | |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court ⁹ | | | | | |
| – Filed by the ward [MCL 600.880b(2)] | No Fee | | | | |
| – Filed by anyone else [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO CONSERVATORSHIP CASES | | | | | |
|---|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Request for Notice of Orders in Protective Proceedings | | | | | |
| – No Proceeding Pending [MCL 700.5104] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| – Proceeding Pending [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Conservator or Protective Order [MCL 600.880(1)(e)] | | | | | |
| – No Temporary Conservator Requested [MCL 600.880a(1)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| – Temporary Conservator Requested [MCL 600.880b(1)] | \$115.00 | \$21.00 | \$86.50 | \$7.50 | \$0 |
| Account ⁵ | | | | | |
| – Assets of \$15.00 or more [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| – Assets of less than \$15.00 | No Fee | | | | |
| Petition for Allowance of Account | | | | | |
| – Filed with Account | No Fee | | | | |
| – Filed Separately from Account [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Petition for Attorney Fees | | | | | |
| – Filed with Account | No Fee | | | | |
| – Filed Separately from Account [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Statement and Proof of Claim [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Disallowance of Claim | No Fee | | | | |
| Petition for Settlement of Personal Injury Claim [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |
| Motion to Release Restricted Funds of a Minor | No Fee | | | | |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court ¹⁰ | | | | | |
| – Filed by the protected individual [MCL 600.880b(3)] | No Fee | | | | |
| – Filed by anyone else [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO MENTAL HEALTH CODE CASES | | | | | |
|---|-------------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Petition to commence a proceeding under the Mental Health Code [MCL 600.880(3)] | No Fee | | | | |
| Motions and subsequent petitions – Involving an estate derived, in whole or in part, from nonpublic sources – Any other motion or subsequent petition | \$15.00 No Fee | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO CIVIL CASES | | | | | |
|---|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Summons and Complaint [MCL 600.880(1)(e)] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |
| Answer, Brief, Response | No Fee | | | | |
| Motion [MCL 600.880b(1)] | \$15.00 | \$0 | \$7.50 | \$7.50 | \$0 |

| FEES APPLICABLE TO MISCELLANEOUS CASES | | | | | |
|--|------------|--|-------------------------|----------------------------|---------------------------|
| Type of Filing or Request | Fee | Distribution | | | |
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Petition to Open Safe Deposit Box [MCL 700.2517(2)(a)] | \$10.00 | \$0 | \$0 | \$10.00 | \$0 |
| Will Filed for Safekeeping [MCL 600.880c(2)] | \$25.00 | \$0 | \$0 | \$25.00 | \$0 |
| Performing a Marriage [MCL 600.874(1)(a); 600.877] | \$10.00 | \$0 | \$0 | \$4.00 | \$6.00 |
| Secret Marriage License [MCL 551.202] | \$3.00 | \$0 | \$0 | \$2.00 | \$1.00 |
| Petition to Establish Death of Victim of Accident or Disaster [MCL 600.880(1); 700.1208] | \$100.00 | \$21.00 | \$79.00 | \$0 | \$0 |

COPY & SERVICE FEES

| Type of Filing or Request | Fee | Distribution | | | |
|--|------------------------------|---------------------------------|------------------|---------------------|--------------------|
| | | J u d g e s ' Retirement System | State Court Fund | County General Fund | State General Fund |
| Certified Copy of Letters of Authority – If first copy provided to a fiduciary (or fiduciary's attorney) – Otherwise [MCL 600.2546] | No Fee | | | | |
| – First page | \$10.00 | \$0 | \$0 | \$10.00 | \$0 |
| – Each subsequent page | \$1.00 | \$0 | \$0 | \$1.00 | \$0 |
| Certified Copy of Order for Use of Funds – If Adult Ward [MCL 600.2546] – If Minor Ward | \$10.00 No Fee | \$0 | \$0 | \$10.00 | \$0 |
| Certified Copy of Deposition [MCL 600.874(1)(c); 600.877] | \$0.03 per folio | 0% | 0% | 40% | 60% |
| Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court [MCL 600.874(1)(c); 600.877] | \$5.00 plus \$0.10 per folio | 0% | 0% | 40% | 60% |
| Certified Copy in relation to either proceedings for the admission or commitment of a person or the determination of inheritance tax [MCL 600.876] | No Fee | | | | |
| Any Other Certified Copy of any other Paper ¹¹ [MCL 600.2546] | | | | | |
| – First page | \$10.00 | \$0 | \$0 | \$10.00 | \$0 |
| – Each additional page | \$1.00 | \$0 | \$0 | \$1.00 | \$0 |

NOTES

1. Motions applicable to multiple types of cases include, but are not necessarily limited to, the following:
 - ! Motion to Change Venue
 - ! Motion to Show Cause
 - ! Motion to Recuse
 - ! Motion for Rehearing
2. This includes, but is not necessarily limited to, an objection to an inventory, to an account, to a will, and to an appointment.
3. The filing fee for this petition does not include the inventory fee for the estate. Note: Beginning in 2001, the \$15,000 threshold amount will be subject to a cost-of-living adjustment factor.
4. The fees listed here for the filing of a petition to determine heirs do not apply to the request for the determination of heirs required in every petition for a testacy proceeding.
5. This refers to an account of any type, including, but not necessarily limited to, an annual account, an amended account, a final account, an interim account, a supplemental account, and an account with zero receipts and disbursements.
6. “In all decedents’ estates in which proceedings are instituted for probate, the probate court shall charge and collect the following fees as an expense of administration on the value of all assets, as of the date of death of the decedent, as follows:
 - (a) In an estate of value of less than \$1,000.00, \$5.00 plus 1% of the amount over \$500.00.
 - (b) In an estate of value of \$1,000.00 or more, but less than \$3,000.00, \$25.00.
 - (c) In an estate of value of \$3,000.00 or more, but less than \$10,000.00, \$25.00 plus **e** of 1% of the amount over \$3,000.00.
 - (d) In an estate of value of \$10,000.00 or more, but less than \$25,000.00, \$68.75 plus ½ of 1% of the amount over \$10,000.00.
 - (e) In an estate of value of \$25,000.00 or more, but less than \$50,000.00, \$143.75 plus **d** of 1% of the amount over \$25,000.00.
 - (f) In an estate of value of \$50,000.00 or more, but less than \$100,000.00, \$237.50 plus ¼ of 1% of the amount over \$50,000.00.
 - (g) In an estate of value of \$100,000.00 or more, but less than \$500,000.00, \$362.50 plus **c** of 1% of the amount over \$100,000.00.
 - (h) For each additional \$100,000.00 value, or larger fraction thereof, over \$500,000.00, \$62.50.
 - (i) For each additional \$100,000.00 value, or larger fraction thereof, over \$1,000,000.00, \$31.25.”

MCL 600.871(1).

7. The petitions covered by this fee include, but are not necessarily limited to, the following:
 - ! Petition for Partial Distribution of Assets
 - ! Petition for approval of sale of real estate
 - ! Petition for Authority to Settle Wrongful Death Claim
 - ! Petition for Supervised Administration
 - ! Application/Petition for Removal/Termination of Personal Representative and Appointment of Successor
 - ! Petition for Reinstatement of Personal Representative after Suspension
 - ! Petition for Surcharge of Fiduciary
8. The petitions covered by this fee include, but are not necessarily limited to, the following:
 - ! Petition to Remove a Trustee and Appoint a Successor
 - ! Petition to Review the Fees of a Trustee
 - ! Petition to Require, Hear, and Settle Interim or Final Accounts
 - ! Petition to Ascertain Beneficiaries
 - ! Petition for Construction
9. Some of the papers covered by this fee include:
 - ! Petition for Authority
 - ! Petition for Authority to Adopt
 - ! Petition to Terminate or Modify Guardianship
10. Some of the papers covered by this fee include:
 - ! Petition for Authority
 - ! Petition for Authority to Adopt
 - ! Petition to Terminate or Modify Conservatorship
 - ! Petition for Approval of Sale of Real Estate
 - ! Petition for Surcharge of Fiduciary
11. Where, in a proceeding for an estate under \$15,000, the value of the estate is less than \$500.00, the court might consider waiving this fee.